IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.10121 of 2008
HALLI RAM @ HALDI RAM
Versus
STATE OF BIHAR
---

3 06.05.2008 This is an application for the grant of regular bail in a case under Sections 363, 364 & 342/34 of the Indian Penal Code against five persons including the petitioner.

Informant Suman Kumar Pandey lodged F.I.R. alleging therein that his brother Sanjeev Kumar Pandey, Mukhiya returned to the house at 11.30 P.M. on the motorcycle and as soon as he entered into the house after parking his motorcycle, someone called him from outside the house. It is alleged that the informant also came out of the house following his brother and saw Tarkeshwar Ram, Halli Ram, Nishant Kumar, Santosh Kumar and Jitendra kumar Pandit were standing there. It is alleged that Tarkeshwar Ram with folded hand stated that her daughter is pregnant and her condition has become serious and he requested him to accompany him for arranging the vehicle, so that she may be taken out for her treatment. It is alleged that informant's brother accompanied them but he did not return. In the morning the informant went to the house of Tarkeshwar and asked about his brother. Tarkeshwar Ram replied that his brother returned on the night itself. A search was made but his brother could not be found. During the course of investigation the dead body of the brother of the informant was recovered from a river. So, the offence under Section 302 and 201/34 of the I.P.C. was added.

Learned lawyer for the petitioner submits that during the

WEB COPY NOT OFFICIAL

course of investigation Nishant Kumar who is the grand son of the petitioner was arrested and he made confessional statement that the deceased had got illicit relation with the sister of her father Tarkeshwar and for that reason under a plan the deceased was called and taken out from the house and was done to death. He disclosed that after committing the murder his dead body keeping in a gunny bag was thrown in the river. On the basis of his statement the dead body of the deceased was recovered from the said river. Learned lawyer submits that the petitioner is the grand-father of the co-accused Nishant Kumar and father of Tarkeshwar Ram. He submits that he is a pretty old man and has got no role in the commission of the crime. He therefore submits that the petitioner who is in custody from 10.08.2007 be released on bail.

WEB COPY NOT OFFICIAL

Learned lawyer appearing on behalf of the informant refers to the statement of the petitioner recorded in the case-diary in which he stated the deceased was killed as he had got illicit relation with his grand-daughter. As such, he submits that the deceased was done to death under a conspiracy by all the accused persons and thereafter the dead body was thrown in the river wherefrom the dead body was recovered. He, therefore, submits that the petitioner did not deserve bail.

Learned State counsel after perusal of the case-diary submits that the evidence collected discloses the active involvement of the petitioner in the commission.

Considering the nature of allegation, manner of commission

thereof and the evidence collected during the course of investigation in the case-diary together with the submission the prayer for bail is rejected for the present.

**Mkr.** **(Anwar Ahmad, J)**

WEB COPY
NOT OFFICIAL